

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 21, 1998
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Johnson, Land, Mann, Pennino and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, City Engineer Murdoch, Community Development Director Bartlam, Revenue Manager Cadwallader, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Jody Melashenko, Fairmont Seventh-Day Adventist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Rae Whitby, Publicity Chairman for the Grape Bowl Classic, celebrating the Grape Bowl Classic Band Review in the City of Lodi on Saturday, November 7, 1998.
- b) Mayor Sieglock announced a proclamation proclaiming the month of October 1998 as "National Breast Cancer Awareness Month" in the City of Lodi. Representatives from the U.S. Conference of Mayors were unable to attend the meeting; therefore, the City accepted the proclamation on their behalf.
- c) Andrea Daniels with the Greater Lodi Area Youth Commission announced the Teen of the Month, Ashley Young from Lodi High School.
- d) Attending tonight's meeting were representatives from the 4th, 5th and 6th grade classes from Lawrence School.

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Land second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$4,471,108.66.
- b) The minutes of October 6, 1998 (Special Meeting), October 7, 1998 (Regular Meeting) and October 13, 1998 (Special Meeting) were approved as written.
- c) Accepted the quarterly report of the City of Lodi pooled money investment account as required by SB564.
- d) Agenda item #E-4 entitled, "Approve Annual Investment Policy and Internal Control Guidelines" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

- e) Agenda item #E-5 entitled, "Accept bid proposal for mail folding/inserting equipment for the Finance Department" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
 - f) Adopted Resolution No. 98-156 accepting the development improvements at 1111 East Kettleman Lane.
 - g) Took the following actions with regard to the Sunwest XIV, Unit No. 1 subdivision:
 - Approved the final map for Sunwest XIV, Unit No. 1, Tract No. 2800, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City;
 - Approved the Purchase Agreement for Parcel "A" of Sunwest XIV, Unit No. 1 and directed the City Manager and City Clerk to execute the Agreement on behalf of the City; and
 - Appropriated funds for required fee credits.
 - h) Adopted Resolution No. 98-157 amending Traffic Resolution No. 97-148, by approving the extension of the County's 45-mile-per-hour (mph) speed limit on Guild Avenue, from Victor Road to approximately 700 feet north of Victor Road.
 - i) Approved the Encroachment Permit and Hold Harmless Agreement for 2817 West Turner Road and directed the City Manager and City Clerk to execute the Agreement on behalf of the City.
 - j) Adopted Resolution No. 98-158 approving the Measure K contract between the City of Lodi and the San Joaquin County Council of Governments (COG) for construction of the Lodi Multimodal Station and authorized the City Manager to execute the contract.
 - k) Set Public Hearing for November 18, 1998 to consider the technical equipment purchase proposal for the Local Law Enforcement Block Grant Program.
 - l) Authorized the City Manager to sign the Exclusive Right to Negotiate Agreement with ProStyle Sports.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-4 entitled, "Approve Annual Investment Policy and Internal Control Guidelines".

Revenue Manager Cadwallader provided the following report:

Section 53601 of the California Government Code requires the City Council to annually review and adopt the City's investment policy. Accordingly, the policy was presented for Council's review and approval. This policy is in compliance with state laws governing the investment of local agency funds and provides internal control guidelines to protect the funds of the City from misappropriation, speculation and fraud.

The City of Lodi policy has been certified by the MTA, US&C in 1996 and 1997. Additionally, this policy is annually reviewed by the City's audit firm, KPMG Peat Marwick, and has been found to be in compliance with Government Code.

Council Member Pennino questioned the fact that page 5 of the City's Investment Policy – Diversification by Financial Institutions indicates that the California State Local Agency Investment Fund mandates no more than \$20 million can be in any one account, and the documentation presented to the City Council would indicate that accounts do have more than that amount. Revenue Manager Cadwallader stated that the \$20 million is incorrect and should be amended to \$30 million.

Further, Council Member Pennino asked to whom the City Treasurer reports. City Manager Flynn stated that the City Council sets policy and the City Treasurer reports directly to the City Manager.

Following additional discussion, the City Council, on motion of Council Member Pennino, Sieglock second, unanimously adopted Resolution No. 98-154 approving the City's annual investment policy and internal control guidelines.

- b) Agenda item #E-5 entitled, "Accept bid proposal for mail folding/inserting equipment for the Finance Department.

Revenue Manager Cadwallader reminded the City Council that on July 1, 1998, it approved a communication from staff to solicit bids for mail folding/inserting equipment for the Finance Department.

The following bids were received and opened on July 22, 1998:

	<u>Purchase</u>	<u>Lease/Purchase</u>
Pitney-Bowes, Sacramento	\$29,817.66	\$37,106.40
Neopost/Mail Management, Sacramento	\$36,193.48	\$42,258.24

Staff recommended the lease-purchase option from Pitney-Bowes, which would require payment in monthly installments of \$773.05 for 48 months. This option is expected to more easily allow equipment upgrades, in the event an additional station is necessary to handle an increasing number of inserts. Both options include service maintenance for the life of the contract.

Bid specifications required that bidders provide a demonstration unit to allow staff hands-on trial runs to determine machine capabilities and ease of use. The Pitney-Bowes equipment demonstrated greater speed and flexibility in paper handling than the Neopost, and would require fewer steps in processing special inserts.

Council Member Pennino questioned whether or not this equipment should be obtained by direct purchase or through a lease/purchase. A lengthy discussion followed with questions regarding the matter being directed to Revenue Manager Cadwallader.

The City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 98-155 accepting the low bid for the purchase of one mail folding/inserting machine from Pitney-Bowes, Inc. of Sacramento, in the amount of \$29,817.66.

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider unmet transit needs in the City of Lodi.

Public Works Director Prima presented the following report.

This public hearing was a continuation of the noon hearing held Wednesday, October 14, 1998, in the Carnegie Forum. Public Works Director Prima indicated that the only persons present at the meeting were representatives from San Joaquin County Council of Governments (COG) and SMART. A copy of the minutes are attached as Exhibit A.

These public hearings are an annual requirement of the Transportation Development Act regulations. The regulations require the San Joaquin County Council of Governments (COG) to determine if there are any unmet transit needs that are reasonable to meet. Because of the recent transit service improvements, we do not expect COG to find any unmet transit needs in Lodi.

Hearing Opened to the Public

1. Eileen St. Yves, 310 South Orange Street, Lodi, expressed her appreciation to a Dial-A-Ride driver for assisting one of her tenants who had become ill. Further, Ms. St. Yves stated that it is her understanding that CalTIP prohibits vehicles covered by them from backing up. There is only one ingress and one egress to her complex, and she feels that the service doesn't meet the needs because of this restriction. Ms. St. Yves is concerned about her tenants, especially during inclement weather.

Following a question as to whether like systems in other cities allow their drivers to back up, Transportation Manager Tobar stated that Laidlaw Transportation does not allow drivers to back up. Mr. Tobar stated that the last audit reflected the need for this restriction, and added that the next purchase of vehicles will be for small mini-vans to be used in this area. This should eliminate the problems presently being encountered.

2. Council Member Pennino asked students from Lawrence School who were in the audience if they had ridden the GrapeLine and how they liked it. One student indicated that it was cold and another stated that they go to Walmart on the GrapeLine.
3. Mrs. Cheryl Nilmyer, Principal of Lawrence School, stated that students at Lawrence School will be involved shortly in a program on accessing public transportation.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Johnson, Land second, unanimously accepted all public comments regarding unmet transit needs in the City of Lodi.

8. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Reimche read the following ABC License:
 1. Bernard C. Kooyman to Mohammad Masood, El Molcajete, 360 East Lodi Avenue, Lodi, Off-Sale Beer and Wine, Person to Person Transfer
- b) The following report was presented to the City Council:
 1. Planning Commission report of September 23, 1998

Continued October 21, 1998

- c) City Clerk Reimche informed the City Council that her office received a letter from MediaOne regarding the use of "Next Guide" Interactive Program Guide instead of Starsight Guide effective immediately.

9. REGULAR CALENDAR

There were no items under this segment of the agenda.

10. ORDINANCES

- a) Ordinance No. 1668 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Chapter 13.20 Of The Lodi Municipal Code By Repealing And Reenacting Section 13.20.040, Relating To Electric Service - Rates" having been introduced at a regular meeting of the Lodi City Council held October 7, 1998 was brought up for passage on motion of Council Member Johnson, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Johnson, Land, Mann, Pennino and Sieglock (Mayor)
Noes: Council Members – None
Absent: Council Members – None

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Dave Worfolk, member of the Governing Body of the Lodi Unified School District, 430 Eureka Avenue, Lodi, addressed the City Council urging citizens to vote yes on Measure I (Lodi Unified School District Bonds) citing in part the following reasons for supporting this Measure:

- End severe overcrowding at all school levels;
- Return to a traditional type school calendar;
- Provide matching funds to qualify for state funds;
- Provide funding for modernization of older schools; and
- Provide neighborhood and community-based schools.

Also speaking in support of Measure I were Mayor Pro Tempore Land and Council Members Johnson, Mann and Pennino.

Council Member Johnson stated that Mr. Worfolk will be leaving the School Board shortly and will be sorely missed.

12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) City Manager Flynn announced the passing of former employee Jin Okamoto and expressed condolences to the Okamoto family.
- b) Mayor Pro Tempore Land announced that NCPA is currently restructuring its debt in a number of areas that will result in huge savings.

- Steam Injected Gas Turbine (STIG) \$6.8 million;
- Combustion Turbine Project \$3 million; and
- County of Sonoma property tax settlement \$17 million.

Public Works Director Prima responded to questions posed by Mayor Pro Tempore Land as to whether or not the City is going forward with the development of DeBenedetti Park. Mr. Prima gave an overview of what was happening at the site and indicated that the

basin portion of this site will be brought before the Council shortly. Mayor Pro Tempore Land asked that Council be apprised of matters such as this in future.

- c) Mayor Sieglock asked for an explanation as to why the palm trees on West Elm Street had been cut down. Public Works Director Prima indicated that the trees were diseased and that staff was concerned about City liability should a tree fall over. Mr. Prima indicated that the neighborhood had been advised of this action prior to the trees being cut down. Mr. Prima also indicated that they had not received any negative feed back from residents in the area. Mr. Prima further indicated that new trees will be planted and landscaping completed in the area very shortly. Mr. Prima was asked to apprise the City Council in the future regarding matters of this type.
- d) Council Member Johnson stated that he hopes citizens of the community would have an opportunity to look at the new entrance to Lodi Lake. Council Member Johnson was most complimentary to Parks Superintendent Dauber and to the Lodi-Tokay Rotary and its foreman on this project Randy Hays.

Council Member Johnson also complimented Mr. Dauber and the other involved organizations on the recent Salmon Festival and indicated that for a first-time event, it went off very well.

- e) City Clerk Reimche addressed the Council indicating that applications for absentee ballots were available in her office for the November 3, 1998 General Municipal Election. She further indicated that MediaOne will be located at Election Night Central at the Carnegie Forum to do live coverage as returns come in. Also, the City Clerk's office will be placing up-to-the-minute election results on its Web Page at www.lodi.gov. Finally, City Clerk Reimche announced that arrangements had been made with Lodi Memorial Hospital to allow hospitalized patients who are registered voters of the City of Lodi to vote.

13. CLOSED SESSION

Mayor Sieglock announced that there was no need to discuss the following matters:

- a) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, Lodi Police Dispatchers Association (LPDA)
- b) Actual litigation: Government Code §54956.9(a). One case. People of the State of California; and the City of Lodi, California v. Randtron, a dissolved California Corporation, Oldco Holz, Inc., a suspended, bankrupt, and defunct California Corporation, to the extent of their interest in the combined single limits of liability coverage under certain policies of insurance issued by Employers Insurance Of Wausau, A Mutual Company, United States District Court, Eastern District of California Case No. CIV-598-0620(DFL)(DAD)
- c) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 8:30 p.m.

ATTEST:

Alice M. Reimche
City Clerk